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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,459	02/21/2001	Lory Dean Molesky	19111.0013	5665

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EXAMINER	
LY, ANH	
ART UNIT	**PAPER NUMBER**
2162	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/788,459	Applicant(s) MOLESKY, LORY DEAN	
	Examiner Anh Ly	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 13-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 13-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is response to Applicant's Amendment file on 03/14/2005.

2. Claims 1-11 and 13-32 are pending in this application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 6-11, 13-16, 18-26 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6091,424 issued to Madden et al. (hereinafter Madden) in view of US Patent No. 6,320,577 issued to Alexander.

With respect to claim 1, Madden teaches generating time labels by extracting or analyzing time label information from input data comprising informational data and corresponding time labels (automatically generating time label for a given input graph or map: abstract and col. 2, lines 12-25);

creating a multi-level data structure (figs 16 and 17, hierarchical data structure including multiple levels: col. 15, lines 45-67);

storing the time label information in the multi-level data structure (storing time labels in a table data structure consisting of a plurality of rows of time labels: col. 6, lines 20-67 and col. 7, lines 1-8; also see col. 4, lines 55-67 and col. 5, lines 1-45 and col. 1, lines 15-35).

processing the time labels (placing label on a given graph, map or drawing: fig. 5, col. 2, lines 12-25); and

generating multi-level time labels from time tables that are stored in the multi-level data structure, each multi-level time label comprising a plurality of rows of time labels (time labels are storing in relations or table, wherein a table consisting a plurality of rows of time labels: hierarchical data structure comprising a plurality of level storing time information: figs 16 and 17, col. 15, lines 45-67).

Madden teaches automatically generating time label for a given graph from a multi-level data structure storing time labels in a table consisting a plurality of rows of time labels (abstract, see figs. 16 & 17, col. 15, lines 45-67 and col. 2, lines 12-25)). Madden does not clearly teaches applying the generated label to the axis of a graph so that it serves as a label for that axis.

However, Alexander teaches moving time label information to the selected axis (col. 3, lines 28-35).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Madden with the teachings of Alexander, wherein the automated label placement to a given graph or map in the system provided therein (Madden's fig. 5 and figs. 13 & 15), would incorporate the use of moving the time label information to the selected

axis, in the same conventional manner as described by Alexander (col. 3, lines 28-35). The motivation being to provide automatically multi-line labeling of time axis in the presentation graphs.

With respect to claim 2, Madden teaches assigning indexes to each of the time labels in the multi-level data structure (each record containing information having indexing to it: col. 15, lines 45-67).

With respect to claim 3, Madden teaches a method of automatically labeling a time axis of a graph ad discussed in claim 1.

Madden teaches automatically generating time label for a given graph from a multi-level data structure storing time labels in a table consisting a plurality of rows of time labels (abstract, see figs. 16 & 17, col. 15, lines 45-67 and col. 2, lines 12-25)). Madden does not clearly teaches generating axis markers and labeling the time axis of graph with the axis markers.

However, Alexander teaches moving time label information to the selected axis and label control unit (col. 3, lines 28-35; also see fig. 2-4, col. 14, lines 22-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Madden with the teachings of Alexander, wherein the automated label placement to a given graph or map in the system provided therein (Madden's fig. 5 and figs. 13 & 15), would incorporate the use of moving the time label information to the selected axis, in the same conventional manner as described by Alexander (col. 3, lines

28-35). The motivation being to provide automatically multi-line labeling of time axis in the presentation graphs.

With respect to claim 4, Madden teaches assigning indexes to each of the time labels in the multi-level data structure (each record containing information having indexing to it: col. 15, lines 45-67).

With respect to claim 6, Madden teaches a method of automatically labeling a time axis of a graph ad discussed in claim 1.

Madden teaches automatically generating time label for a given graph from a multi-level data structure storing time labels in a table consisting a plurality of rows of time labels (abstract, see figs. 16 & 17, col. 15, lines 45-67 and col. 2, lines 12-25)). Madden does not clearly teaches summing the length of each time label and comparing the sum with the length of the time axis.

However, Alexander teaches summing the position and comparing the labels (col. 21, lines 58-67 and col. 30, lines 3-62).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Madden with the teachings of Alexander, wherein the automated label placement to a given graph or map in the system provided therein (Madden's fig. 5 and figs. 13 & 15), would incorporate the use of moving the time label information to the selected axis, in the same conventional manner as described by Alexander (col. 3, lines 28-35). The motivation being to provide automatically multi-line labeling of time axis in the presentation graphs.

With respect to claim 7, Madden teaches a method of automatically labeling a time axis of a graph ad discussed in claim 1.

Madden teaches automatically generating time label for a given graph from a multi-level data structure storing time labels in a table consisting a plurality of rows of time labels (abstract, see figs. 16 & 17, col. 15, lines 45-67 and col. 2, lines 12-25)). Madden does not clearly teaches summing the length of each time label and comparing the sum with the length of the time axis.

However, Alexander teaches summing the position and comparing the labels (col. 21, lines 58-67 and col. 30, lines 3-62 and col. 5, lines 55-67 and col. 6, lines 1-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Madden with the teachings of Alexander, wherein the automated label placement to a given graph or map in the system provided therein (Madden's fig. 5 and figs. 13 & 15), would incorporate the use of moving the time label information to the selected axis, in the same conventional manner as described by Alexander (col. 3, lines 28-35). The motivation being to provide automatically multi-line labeling of time axis in the presentation graphs.

With respect to claim 8, Madden teaches a method of automatically labeling a time axis of a graph ad discussed in claim 1.

Madden teaches automatically generating time label for a given graph from a multi-level data structure storing time labels in a table consisting a plurality of rows of time labels (abstract, see figs. 16 & 17, col. 15, lines 45-67 and col. 2,

lines 12-25)). Madden does not clearly teaches summing the length of each time label and comparing the sum with the length of the time axis.

However, Alexander teaches summing the position and comparing the labels and tracking the size of labels (col. 21, lines 58-67 and col. 30, lines 3-62; col. 5, lines 18-22 and lines 55-67 and col. 6, lines 1-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Madden with the teachings of Alexander, wherein the automated label placement to a given graph or map in the system provided therein (Madden's fig. 5 and figs. 13 & 15), would incorporate the use of moving the time label information to the selected axis, in the same conventional manner as described by Alexander (col. 3, lines 28-35). The motivation being to provide automatically multi-line labeling of time axis in the presentation graphs.

With respect to claim 9, Madden teaches processing the multi-level data structure to refine the time labels comprises extending the precision of the time labels (hierarchical data structure comprising a plurality of level storing time information: figs 16 and 17, col. 15, lines 45-67).

With respect to claim 10, Madden teaches processing the multi-level data structure to refine the time labels comprises merging the levels in the multi-level data structure (hierarchical data structure comprising a plurality of level storing time information: figs 16 and 17, col. 15, lines 45-67).

With respect to claim 11, Madden teaches generating time labels by extracting or analyzing time label information from input data comprising

informational data and corresponding time labels (automatically generating time label for a given input graph or map: abstract and col. 2, lines 12-25);

generating a multi-level data structure to store the time labels (storing time labels in a table data structure consisting of a plurality of rows of time labels: col. 6, lines 20-67 and col. 7, lines 1-8; also see col. 4, lines 55-67 and col. 5, lines 1-45 and col. 1, lines 15-35);

populating the multi-level data structure with the time labels (placing label on a given graph, map or drawing: fig. 5, col. 2, lines 12-25);

refining the time labels in the multi-level data structure (redefining the position, labeling spaces: col. 11, lines 22-35 and col. 17, lines 35-45; also see figs 16 and 17, hierarchical data structure including multiple levels: col. 15, lines 45-67); and

generating multi-level time labels from time tables that are stored in the multi-level data structure, each multi-level time label comprising a plurality of rows of time labels (time labels are storing in relations or table, wherein a table consisting a plurality of rows of time labels: hierarchical data structure comprising a plurality of level storing time information: figs 16 and 17, col. 15, lines 45-67).

Madden teaches automatically generating time label for a given graph from a multi-level data structure storing time labels in a table consisting a plurality of rows of time labels (abstract, see figs. 16 & 17, col. 15, lines 45-67 and col. 2, lines 12-25)). Madden does not clearly teaches applying the generated label to the axis of a graph so that it serves as a label for that axis.

However, Alexander teaches moving time label information to the selected axis (col. 3, lines 28-35).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Madden with the teachings of Alexander, wherein the automated label placement to a given graph or map in the system provided therein (Madden's fig. 5 and figs. 13 & 15), would incorporate the use of moving the time label information to the selected axis, in the same conventional manner as described by Alexander (col. 3, lines 28-35). The motivation being to provide automatically multi-line labeling of time axis in the presentation graphs.

Claim 13 is essentially the same as claim 1 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 14 is essentially the same as claim 2 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 15 is essentially the same as claim 3 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 16 is essentially the same as claim 4 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 18 is essentially the same as claim 6 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 6 hereinabove.

Claim 19 is essentially the same as claim 7 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 7 hereinabove.

Claim 20 is essentially the same as claim 8 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 8 hereinabove.

Claim 21 is essentially the same as claim 9 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 9 hereinabove.

Claim 22 is essentially the same as claim 10 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 10 hereinabove.

Claim 23 is essentially the same as claim 1 except that it is directed to a computer program product rather than a method, and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 24 is essentially the same as claim 2 except that it is directed to a computer program product rather than a method, and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 25 is essentially the same as claim 3 except that it is directed to a computer program product rather than a method, and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 26 is essentially the same as claim 4 except that it is directed to a computer program product rather than a method, and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 28 is essentially the same as claim 6 except that it is directed to a computer program product rather than a method, and is rejected for the same reason as applied to the claim 6 hereinabove.

Claim 29 is essentially the same as claim 7 except that it is directed to a computer program product rather than a method, and is rejected for the same reason as applied to the claim 7 hereinabove.

Claim 30 is essentially the same as claim 8 except that it is directed to a computer program product rather than a method, and is rejected for the same reason as applied to the claim 8 hereinabove.

Claim 31 is essentially the same as claim 9 except that it is directed to a computer program product rather than a method, and is rejected for the same reason as applied to the claim 9 hereinabove.

Claim 32 is essentially the same as claim 10 except that it is directed to a computer program product rather than a method, and is rejected for the same reason as applied to the claim 10 hereinabove.

Allowable Subject Matter

5. Claims 5, 17 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an examiner's statement of reasons for allowance:

The claims 5, 17, and 27 directed to a method, a system and program product for performing of automatically labeling a time axis of a graph that includes time based data. The distinct features of the claims are that, "creating an initial set of time labels, determining whether the initial set of time labels will fit along the time axis, creating an abbreviated set of time labels and creating a subset of time labels."

These distinct features, in conjunction with all other limitations of in the dependent claims render claims 5, 17 and 27 are allowable.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV **or fax to (571) 273-4039**. The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or Primary Examiner Jean Corrielus (571) 272-4032. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see **http://pair-direct.uspto.gov**. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: Central Fax Center (703) 872-9306

ANH LY
May 19th, 2005

JEAN M. CORRIELUS
PRIMARY EXAMINER